UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,743	11/14/2000	Roberta L. Patnode	10655.9500	9259

7590	03/24/2006	EXAMINER

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EXAMINER
BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/712,743	PATNODE ET AL.
	Examiner	Art Unit	
	Yasin M. Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 January 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,5,7,11,14,18-22,24,25,31,32,34,35,40,43,44 and 46* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5,7,11,14,18-22,24,25,31,32,34,35,40,43,44 and 46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

The amendment filed on January 05, 2006 has been fully considered but are not persuasive.

Response to Amendment

In response to Applicant's arguments that "neither Lewis, Jones, nor combination thereof, disclose or suggest at least "evaluating said second request to identify a plurality of financial advice service based on at least one of financial nee, preferred financial strategy and economic class," "compiling said identified plurality of financial services to form said financial advice service data" and transmitting said financial advice service data to said client computer in the forma of a financial services application". Examiner notes that, for example Jones teaches "As described further below, on an ongoing basis the financial advisory system 100 may evaluate the user's portfolio against one or more financial goals and may notify the user if progress towards any of the goals has changed in a material way. In subsequent user sessions with the financial advisory system 100, the user's data (e.g., the user's profile information, account holdings, plan parameters, and tax information) may be retrieved from memory on the AdviceServer 110, for example, and the current forecast for the one or more goals may be presented to the user. Additionally, if the ongoing plan monitoring has generated any alerts, they may be presented to the user at this time. Alternatively, alerts may be generated proactively by the system and transmitted to the user via a telephone, email, fax,

or standard mail messaging system. Based upon the alerts
generated by the ongoing plan monitoring, the user may again
begin the iterative process of adjusting the decision variables
described above (e.g., risk level, savings rate, and retirement
age) until the user is satisfied with the likelihood of meeting
his/her goal(s)." (Jones Col. 6, lines 35-55). Furthermore, Jones
teaches, "Advantageously, the plan monitoring module 350 performs
ongoing portfolio evaluation to deal with the constantly changing
data that may ultimately affect the exposure determination
process and the portfolio optimization process. In this manner,
the user may receive timely advice instructing him/her how to
most efficiently achieve one or more financial goals and/or
maintain one or more portfolio characteristics based upon the
available set of financial products." (Jones Col. 20, lines 7-
30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which
forms the basis for all obviousness rejections set forth in this
Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

1.   Claims 1,2,4,5,7,11,14,18-22,24,25,31,34,35,40,43,44 and 46
are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lewis USPN (6513019) in view of Jones et al USPN (6021397),
(hereinafter "Jones")

As per claim 1, Lewis teaches a method of creating financial
advice applications, comprising

establishing a connection to a client computer having an
application program (client workstation with user interface 140,
fig. 4, col.10, lines 21-33; col. 5, lines 27-55 and col. 19,
lines 1-58) comprising at least one module, wherein each module
of said application program corresponds to a financial service
[unified internet-enabled user interface that supports browser-
based inquires. Input data are presented to the system via and
object-oriented API such as XML that conforms to different
formats col. 5, lines 27-55; col. 15, lines 7-29; col.9, lines
8-11 and 33-50];

communicating with an authentication server and
authenticating a user of said client computer [col. 19, lines
22-36, see also col. 21, lines 16-29];

receiving a request from said client computer for financial
advice services data related to a current financial position
(accessing financial data and information about current and
projected balances and positions across customers, accounts,
books, funds..,and the like [col. 6, line 7-60 and col. 20,
lines 1-55];

transmitting said request for financial advice services
data to said financial advice service [col. 4, lines 50-67 and
col.10, lines 55 to col. 11 line 64] wherein establishing a
connection to said financial advice service and transmitting
said request for financial advice services data to said
financial service comprises:

establishing a connection to an application services
manager [col. 6, lines 61 to col. 7, line 30; see also col. 21,
lines 16-29];

transmitting a second request to said application services
manager for said financial advice services data [col. 6, line 7-
60; col. 20, lines 1-55];

establishing a connection between said application services
manager and said financial advice service [fig. 4 and col.4,
lines 50 to col. 5, line 12 and col. 6, line 7-60];

transmitting a result of compiling said financial advice
services data to said client computer in the form of a financial
advice application [col.4, lines 50-65; col. 5, line 14 to col.
6, lines 47 and col. 19, lines 19-65]; and

scripting requests from said client computer such that a
single request creates a financial advice application including
data from a plurality of financial advice services [col. 5,
lines 27-55 and col. 21, lines 43 to col. 22, line 39].

Although Lewis shows substantial features of the claimed
invention as explained in claim 1, he does not explicitly show
at least one lifetime goal, wherein the lifetime goal is related
to at least and one of education, wealth accumulation,
retirement, estate planning, tax planning, survivorship,
disability, and long-term care.
Nonetheless, these features are well known in the art and would
have been an obvious modification of the system disclosed by
Lewis, as evidenced by Jones USPN. (6021397).
In analogous art, Jones whose invention is about a financial
advisory system for advising a user regarding feasible and
optimal portfolio allocations among a set of financial products,
disclose a financial advice system for advising a user about

lifetime goal such saving money to send a child to college
(education), saving more money (wealth accumulation), retirement
and purchasing [Col. 4, lines 24-34 and col. 6, lines 1-13].
Giving the teaching of Jones, a person of ordinary skill in the
art would have readily recognized the desirability and the
advantage of modifying Lewis by employing the financial advice
service system of Jones in order to provide specific and timely
advice to users regarding steps they can take to improve their
chances of meeting their financial goals in the most efficient
way [Col. 2, lines 41-45 and col. 20, lines 22-30].

Jones further teaches establishing a connection to at least one
financial advice service, wherein said at least one financial
advice service includes a roadmap service configured to use the
financial advice services data to provide financial planning and
advice; [fig. 1; col.5, lines 34-48 and col. 4, line 24-59];
evaluating second request to identify a plurality of financial
advice service based on at least one of financial need, preferred
financial strategy and economic class, compiling said identified
plurality of financial services to form said financial advice
service data and transmitting said financial advice service data
to said client computer in the forma of a financial services
application. Jones teaches "*As described further below, on an
ongoing basis the financial advisory system 100 may evaluate the
user's portfolio against one or more financial goals and may
notify the user if progress towards any of the goals has changed
in a material way. In subsequent user sessions with the
financial advisory system 100, the user's data (e.g., the user's
profile information, account holdings, plan parameters, and tax
information) may be retrieved from memory on the AdviceServer
110, for example, and the current forecast for the one or more*

goals may be presented to the user. Additionally, if the ongoing plan monitoring has generated any alerts, they may be presented to the user at this time. Alternatively, alerts may be generated proactively by the system and transmitted to the user via a telephone, email, fax, or standard mail messaging system. Based upon the alerts generated by the ongoing plan monitoring, the user may again begin the iterative process of adjusting the decision variables described above (e.g., risk level, savings rate, and retirement age) until the user is satisfied with the likelihood of meeting his/her goal(s)." (Jones Col. 6, lines 35-55; Col. 20, lines 7-30 and fig, 4, database 130. See also col. 4, lines 50-67 and col. 11, lines 50 to col. 12 line 4]

As per claim 2, Lewis teaches the method of claim 1, wherein said first request and second request are the same [Fig. 4; col. 4, lines 50 to col. 5, line 12; col. 6, line 7-60 and col.10, lines 55 to col. 11 line 64].

As per claim 4, Lewis teaches the method of claim 1, wherein said at least one financial advice service includes at least one of a leased storage service, a formatting service, a library service, a repository service, a simulator service, an asset allocation service, a business graphics service, a roadmap service, and an equity evaluation service [see Figs. 1 and 4; col.4, lines 50 to col. 5, line 48 and col.11, lines 50 to col. 12, line 15].

As per claim 5, Lewis teaches the method of claim 1, further comprising formatting data transmitted between any of said application program, said application services manager, and said

at least one financial advice service in a standardized data
format [col. 9, lines 33-51 and col. 10, lines 50-54 and col.
17, lines 11-21].

As per claim 6, Lewis teaches the method of claim 5, wherein
said standardized data format is XML [col. 6, lines 1-6; col. 9,
lines 37-51 and col. 17, lines 11-54].
As per claim 7, Lewis teaches the method of claim 1, further
comprising formatting data transmitted between a plurality of
financial advice services in a standardized data format [col. 9,
lines 33-51; col. 10, lines 50-54 and col. 17, lines 11-54].

As per claim 8, Lewis teaches the method of claim 7, wherein
said standardized data format is XML [col. 6, lines 1-6; col. 9,
lines 37-51 and col. 17, lines 11-54].

As per claim 10, Lewis teaches the method of claim 1, further
comprising communicating with a registration application
configured to allocate a TCP/IP port for use by a financial
advice service during a client session [col. 19, lines 27 to
col. 20, line 23 and col. 21, lines 16-23].

As per claim 11 and 40, Lewis teaches a system and a method for
creating financial advice applications as explained in claim 1
above. The claims include similar limitations found in claim 1.
Therefore they are rejected with the same rationale.
Lewis further teaches an advice utility server in communication
with said at least one client computer and said at least one
application program [fig. 4 shows web enabled client devices 140
with desktop applications conforming to thin client/Web Server

architecture that is in communication with information servers 110, 111 or 112 with database 130 having financial service data via Web server 120, col. 10, lines 50 to col. 11, line 24]; and

at least one financial advice service (information servers 110, 111 or 112) in communication with said advice utility server (Web server 120 and database 130), wherein each financial service is configured to receive data from said advice utility server and to transmit data to said advice utility server [Lewis fig. 4, col. 5, lines 13 to col. 6, line 64; col. 10, lines 50 to col. 11, line 55]; and Lewis teaches the invention, further comprising a data migration mechanism in communication with said advice utility server, wherein said data migration mechanism is configured to convert data transmissions between any of a client computer, said advice utility server, and a financial advice service into a standardized data format [col. 9, lines 33-51 and col. 10, lines 50-54].
As to the lifetime goal limitations see the claim 1 above.

As per claims 14 and 43, Lewis teaches the invention, wherein said standardized data format is XML [col. 6, lines 1-6; col. 9, lines 37-51 and col. 17, lines 11-54].

As per claim 15, Lewis teaches the invention, further comprising a translator in communication with said advice utility server, wherein said translator is configured to translate data transmissions between a plurality of financial advice services into a standardized data format [col. 9, lines 33-51; col. 10, lines 50-54 and col. 17, lines 11-54].

As per claim 16, Lewis teaches the invention, wherein said standardized data format is XML [col. 6, lines 1-6; col. 9, lines 37-51 and col. 17, lines 11-54].

As per claim 18, Lewis teaches the invention, further comprising a registration application in communication with said advice utility server and said financial advice service, wherein said registration application is configured to allocate a TCP/IP port for use by a financial advice service during a client session [col. 19, lines 27 to col. 20, line 23 and col. 21, lines 16-23].

As per claim 19 and 44, Lewis teaches the invention, wherein said financial advice service includes at least one of a headless utility, a leased storage service, a formatting service, a library service, a repository service, a simulator service, an asset allocation service, a business graphics service, a roadmap service, and an equity evaluation service [see Figs. 1 and 4; col.4, lines 50 to col. 5, line 48 and col. 9, lines 37-51].

As per claim 20 and 45, Lewis teaches the invention, wherein said advice utility server comprises an application services manager 33configured to communicate with said client computer and said financial advice service [col. 6, lines 61 to col. 7, line 30; see also col. 21, lines 16-29].

As per claim 21 and 31 and 46, these are computer readable, device and method claims with similar limitations as claim 1 above, therefore, they are rejected with the same rationale.

As per claim 22 and 32, these claims have similar limitations as claim 2. Therefore, they are rejected with the same rationale. See the rejection on claim 2 above.

As per claim 24 and 34, Lewis teaches the invention, wherein said financial advice service includes at least one of a leased storage service, a formatting service, a library service, a repository service, a simulator service, an asset allocation service, a business graphics service, a roadmap service, and an equity evaluation service [see Figs. 1 and 4; col.4, lines 50 to col. 5, line 48].

As per claim 25 and 35, Lewis teaches the invention, further comprising processing instructions configured to direct a computer to perform the step of formatting data transmitted between any of said client computer, said advice utility server, and said financial advice service in a standardized data format [col. 6, lines 61 to col. 7, line 30; see also col. 21, lines 16-29].

As per claim 26 and 36, Lewis teaches the invention, wherein said standardized data format is XML [col. 6, lines 1-6 and col. 9, lines 37-51].

As per claim 27 and 37, Lewis teaches the invention, further comprising processing instructions configured to direct a computer to perform the step of formatting data transmitted between a plurality of financial advice services in a standardized data format [col. 9, lines 33-51 and col. 10, lines 50-54].

As per claim 28 and 38, Lewis teaches the invention, wherein said standardized data format is XML [col. 6, lines 1-6 and col. 9, lines 37-51].

As per claim 29 and 39, Lewis teaches the invention, further comprising processing instructions configured to direct a computer to perform the step of allocating a TCP/IP port for use by a financial advice service during a client session [col. 19, lines 27 to col. 20, line 23 and col. 21, lines 16-23].

As per claim 47, Jones teaches the invention, wherein said user-supplied data comprises at least one of economic group data and goals [col. 5, lines 52 to col. 6, line 39].

As per claim 48, Jones teaches the invention, wherein said economic group data comprises at least one of membership data, demographics data, and financial data [col. 5, lines 52 to col. 6, line 39].

Conclusion

1.   **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.
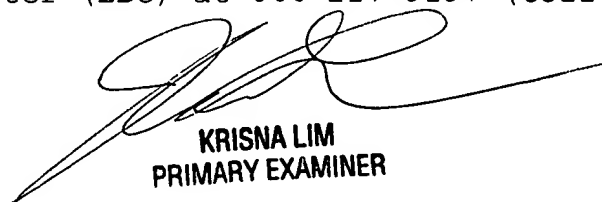
The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KRISNA LIM
PRIMARY EXAMINER